

REMARKS

The examiner is thanked for the performance of a thorough search. By this amendment, Claims 3, 5-8, 10-12, 14, 16, 2-23, 25-27, 29, 31, 32, 44, 49, 53, and 57 have been amended. Claims 1, 2, 4, 28, 46-48, 50-52, and 54-56 have been cancelled. Claims 58-65 have been added. Hence, Claims 3, 5-27, 29-45, 49, 53, and 57-65 are pending in the application.

The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, except as indicated herein, amendments made to Claims 3, 5-8, 10-12, 14, 16, 2-23, 25-27, 29, 31, 32, 44, 49, 53, and 57 have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

Each issue raised in the Office Action mailed June 14, 2004 is addressed hereinafter.

**I. REJECTIONS MADE UNDER 35 U.S.C. § 101**

Claims 4-45 have been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. The Office Action states “that claims 4-45 are directed to ‘a method of processing enterprise data’ which amounts to nothing more than a mere manipulation of data in the form of abstract ideas (concepts) without any limitation to a practical, tangible and concrete application. The method of manipulating data cannot be classified into any of the four categories of statutory subject matter.” The rejection is traversed.

The Office Action does not cite any legal authority for the basis of the rejection, which is contrary to all known current case law, Examining Guidelines, and guidance in the MPEP with respect to § 101. An Examiner in another case has told Applicants’ counsel that the Office is internally using new examining guidelines that call for rejections under § 101 based on a new rationale, but the Office has not announced or released these guidelines to the public or the bar. If any such guidelines have been applied in the present Office Action, Applicants request a copy.

35 U.S.C. § 101 does not contain any limitation of the type identified in the rationale of the Office Action. As both a machine and a process are both expressly recited in the list of statutory matter in 35 U.S.C. § 101, statutory interpretation supports the conclusion that a process covers at least some statutory subject matter that is not covered by a machine, otherwise there would be no need to expressly list a process. Indeed, in *Diamond v. Chakrabarty* (1980), the Supreme Court of the United States observed that patentable subject matter is “anything under the sun that is made by man.” For example, the Office has issued patents with method claims and entitled “Method for Testing the Freshness of Fish” (U.S. Patent No. 4,980,294, issued Dec. 25, 1990), “Method and Apparatus for Applying Advertisements to Eggs” (U.S. Patent No. 4,843,958, issued July 4, 1989), and “Method for Cleaning Pierced Earlobes” (U.S. Patent No. 5,183,461, issued Feb. 2, 1993).

Without acquiescing to the position taken by the Office Action, the Applicants have amended Claim 25 and provided new independent Claim 58 to clearly indicate that the steps featured in Claim 25 and Claim 58 are machine-implemented. Therefore, the recited steps cannot be satisfied by any manual system. A machine is expressly recited in the list of statutory matter in 35 U.S.C. § 101. Consequently, the rejection made under 35 U.S.C. § 101 raised by the Office Action has been overcome. Reconsideration and withdrawal are respectfully requested.

## **II. REPLACEMENT DECLARATION**

The Office Action objected to the inventors’ declaration (specifically, the second named inventor, Sima Yazdani). A supplemental Declaration and Power of Attorney of Sima Yazdani correcting the cited deficiency is submitted herewith. Acceptance of the supplemental Declaration and Power of Attorney is respectfully requested.

### **III. OBJECTION TO THE ABSTRACT**

Applicant has amended the abstract as noted above. The abstract is now within the proper range of 50 and 150 words.

### **IV. ISSUES RELATING TO PRIOR ART: Goiffon in view of Leschner**

The Office Action rejected original Claims 1-57 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,327,593 to Goiffon. (“Goiffon”) in view of U.S. Patent No. 6,519,588 to Leschner (“Leschner”). The rejection is respectfully traversed.

#### **A. CLAIM 58**

The Office Action cited “figures 1-7 and the corresponding portions of Goiffon’s specification” as support for rejecting original Claims 1-57. Whereas the Office Action indicates which figures are alleged to teach features of the claims, the Office Action does not state what specific sections of the text are alleged to teach the features of the claims. Therefore, this response considers the entire disclosure of Goiffon.

The Office Action recognizes that Goiffon does not teach “that the terminal is a ‘server’ operated by an enterprise “on a network” as claimed.” The Office Action alleges that Leschner discloses “enterprise(s) operat[ing] servers [10] on a network [See FIG. 1] to allow access to the concepts and relationships.” The Office Action also argues that it would have been obvious to one skilled in the art at the time the invention was made to implement a combination of Goiffon and Leschner. In the Applicants’ view, Leschner does not teach such a system, and the combination of Goiffon and Leschner is improper. However, given the clear differences argued below with respect to Goiffon and Leschner, Applicant will not remark in detail against the

interpretation of Leschner reference nor the combination of Leschner and Goiffon. The

Applicant does reserves the right to so argue later if necessary.

Independent Claim 58 recites:

storing a first relationship between a first concept and a second concept, wherein:  
the first concept and the second concept are each one of a plurality of  
atomic concepts;  
the first concept and the second concept are in a first category of concepts;  
and  
the first relationship is part of a first concept graph corresponding to the  
first category of concepts; and  
storing a second relationship between the first concept and a third concept,  
wherein:  
the third concept is one of the plurality of atomic concepts;  
the first concept and the third concept are in a second category of  
concepts; and  
the second relationship is part of a second concept graph corresponding to  
the second category of concepts;  
wherein the first concept, the second concept, and third concept are each different  
concepts; the first category is distinct from the second category; and the  
first concept graph is distinct from the second concept graph.

Goiffon, even in combination with Leschner, does not teach one or more features of Claim 58. For example, Goiffon does not teach “storing a first relationship between a first concept and a second concept” or “storing a second relationship between the first concept and a third concept”, where “the first concept and second concept are part of a first category” and “the first concept and third concept are part of a second category.” Goiffon teaches, instead, storing a single category of concepts and storing a separate category of assets. As stated in Goiffon: “In the system of the preferred embodiment, each of the locator elements that stores a concept (that is, each concept element) may have a relationship with one or more of the asset elements.” (Col. 8, lines 23-26) “The relationships are selectively created so that each asset element may be linked to one or more concepts that are descriptive of the asset element.” (Col 8, lines 29-31)

Goiffon clearly teaches that concepts are arranged in relationships separately from assets. Goiffon, however, does not teach a single concept belonging to two separate categories. Storing a single concept in two categories is useful because the interrelationships in a first category of concepts (such as a product concept hierarchy) when used with the interrelationships in a second category (such as a networking solutions concept hierarchy) provide meaningful interrelations among concepts that cannot be contained in a single category (see, e.g., Page 12, lines 1-10 of the Applicant's specification). Goiffon, on the other hand, teaches a single asset hierarchy, and that asset hierarchy is separate from the single concept hierarchy. Goiffon's concept hierarchy is simply a relationship among similar words. Goiffon's asset hierarchy contains a single set of relationships among assets (such as products).

Since Goiffon does not teach a single particular concept belonging to two categories, Goiffon could not possibly teach "storing a first relationship between a first concept and a second concept", or "storing a second relationship between the first concept and a third concept", where "the first concept and second concept are part of a first category" and "the first concept and third concept are part of a second category." Since Goiffon does not teach one or more features of Claim 58, Goiffon in combination with Leschner could not possibly teach Claim 58.

Like Goiffon, Leschner also does not teach "storing a first relationship between a first concept and a second concept", "storing a second relationship between the first concept and a third concept", where "the first concept and second concept are part of a first category" and "the first concept and third concept are part of a second category." In the sections of Leschner cited in the Office Action, FIG. 1, and the related text, Leschner teaches a product manufacturer, an internet retailer, and multiple supply partners each providing a website, where the website is built upon data from a single product hierarchy (see FIG 3 and, generally, Col. 9, lines 13-32).

However, Leschner does not teach categorizing a single product in two product categories (or product hierarchies), therefore, Leschner could not possibly teach “storing a first relationship between a first concept and a second concept”, “storing a second relationship between the first concept and a third concept”, where “the first concept and second concept are part of a first category” and “the first concept and third concept are part of a second category.”

Since Leschner and Goiffon each is missing one or more particular features of Claim 58, Goiffon in view of Leschner does not result in the complete combination recited in Claim 58. Therefore, reconsideration and withdrawal of the rejection with respect to Claim 58 is respectfully requested.

B. CLAIMS 25, 49, 53, 57, 60, 62, and 64

Though each of independent Claims 58, 25, 49, 53, 57, 60, 62, and 64, are different, since the Office Action presented similar arguments for each original independent claim, similar responsive remarks apply to each. Each of Claims 25, 49, 53, 57, 60, 62, and 64 is patentable for at least the reasons given above with respect to Claim 58. In addition, Claims 25, 49, 53, 57, 60, 62, and 64 each introduce additional features that independently render them patentable. However, due to the fundamental differences already identified for Claim 58, a separate discussion of those features is not included at this time in order to expedite the favorable resolution of this case.

C. CLAIMS 3, 5-24, 26-27, 29-45, 59, 61,62, and 65

Claims 3, 5-24, 26-27, 29-45, 59, 61,62, and 65 were rejected in the Office Action and each depends directly or indirectly from one of Claims 58, 25, 49, 53, 57, 60, 62, and 64 and further limits that claim. The dependent claims also incorporate each and every feature of the independent claim from which they depend. Since independent Claims 58, 25, 49, 53, 57, 60, 62,

and 64 are allowable, as discussed above, Claims 3, 5-24, 26-27, 29-45, 59, 61,62, and 65 are also allowable. In addition, each of the dependent Claims 3, 5-24, 26-27, 29-45, 59, 61,62, and 65 independently introduces one or more features that render it independently patentable over the prior art of record.

For example, Claim 3 requires:

the first category is one of a products category, a services category, an activities category and a document category; and  
the second category is a different one of the products category, the services category, the activities category and the document category.

None of Goiffon, Leschner, nor a combination of the two teaches one or more of these features. Goiffon does not teach a products category, a services category, an activities category or a document category. Therefore, Goiffon could not possibly teach two categories (a first and a second category), each of which is “one of a products category, a services category, an activities category and a document category.”

In the cited sections, Leschner teaches a single product hierarchy. Therefore, Leschner could not possibly teach a first concept being in a first category and a second category (as noted above), where each of those categories is “one of a products category, a services category, an activities category and a document category.”

None of Goiffon, Leschner, or a combination of the two teaches “the first category is one of a products category, a services category, an activities category and a document category; and the second category is a different one of the products category, the services category, the activities category and the document category.” Since Goiffon in view of Leschner does not teach one or more features of Claim 3, withdrawal of the rejection with respect to Claim 3 is respectfully requested.

**V. CONCLUSIONS & MISCELLANEOUS**

For the reasons set forth above, it is respectfully submitted that all of the pending claims, new, as originally filed, or as currently amended, are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

On Sept. 13, 2004 By Teresa Austin  
Teresa Austin